

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72024 of 2022

Arising Out of PS. Case No.-131 Year-2022 Thana- CHAUSA District- Madhepura

GAUTAM KUMAR S/o Sri Vishal Sharma @ Vilash Sharma R/v-
Laulagaan, Ward No. - 10, P.S.- Chausa, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-12-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 366A and 34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that petitioner
is a person with clean antecedent and the informant alleges that on
17.06.2022 at about 09:00 PM his minor niece did not return from
her college and thereafter a search was made when informant came to
know that the petitioner had kidnapped his niece.

Learned counsel for the petitioner submits that petitioner
has been falsely implicated in the present case, it is next submitted
that the victim and the petitioner were in love, it is also submitted
that victim has come back and her statement was recorded under
Section 164 Cr.P.C. wherein she has disclosed her age as 17 years. It
is also submitted that from perusal of the statement, it would



manifest that the same was made under parental pressure but then very subtly she has not supported the case of the prosecution as she has stated that petitioner took her along with him on 17.06.2022 forcefully and thereafter dropped her back to her home on 20.06.2022 and did not misbehave with her which amply demonstrates that the victim who had reached the age of discretion had left on her volition but on return, she was made to get her statement recorded in the manner it has been stated, but then she also stated that petitioner did not misbehave with her.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chausa P.S. Case No. 131 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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